

JUDGMENT SUMMARY

Neutral Citation	[2020] ADGMCFI 0006
Case Number	ADGMCFI-2020-005
Name of Case	Erik Rubingh v Veloqx RSC Limited
Judge	Justice Sir Michael Burton GBE
Date Issued	29 July 2020
Catchwords	Costs. Assessment on standard or indemnity basis.
Cases Cited	–
Legislation and Authorities Cited	ADGM Court Procedure Rules 2016 – Rule 180
Executive Summary	This judgment on costs considered the appropriate basis for awarding costs after the Claimant had successfully pursued a Claim, finding the Defendant's conduct in defending the case did not warrant indemnity costs. Ultimately, the Court assessed the Claimant's recoverable costs at USD 68,500 on the standard basis.
Overall Summary	<p>Background</p> <p>This Abu Dhabi Global Market (“ADGM”) Court of First Instance (Employment Division) judgment concerns the assessment of costs in the case of Erik Rubingh v Veloqx RSC Limited. The parties involved are Erik Rubingh (the Claimant) and Veloqx RSC Limited (the Defendant). The Court referred to its previous judgment from 13 July 2020.</p> <p>Analysis and Conclusion</p> <p>The Court held that the Defendant must pay the Claimant's costs. The total sum of these costs has been assessed at USD 68,500.</p> <p>The main question addressed by the Court was whether costs should be assessed on a standard or indemnity basis. The Court decided to award costs on the standard basis. This was because the Court was not persuaded that the Defendant's conduct in defending the proceedings</p>

	<p>was so unreasonable as to meet the threshold required for an order of indemnity costs.</p> <p>The Court noted that the Defendant had failed to pay the judgment debt within the 14-day time period specified by Rule 180 of the ADGM Court Procedure Rules 2016. However, the Court did not consider this failure to be relevant to the question of whether the Defendant's conduct in defending the proceedings was unreasonable enough to justify indemnity costs.</p> <p>In assessing the costs, the Court considered the Claimant's Costs Schedule in relation to his diligent and successful pursuit of a Claim for USD 1 million. The Court also considered the relevant costs guidelines and noted that it had not been provided with a comparable schedule from the Defendant.</p>
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This statement is not intended to be a substitute for the reasons of the Court or to be used in any later consideration of the Court's reasons.